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11 PROVIDIAN BANCORP SERVICES AND
12 PROVIDIAN FINANCIAL HEALTH PLAN

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 ANITA B. CARR,

17 No. C 05-03190 TEH

18 Plaintiff,

19 Action Filed: August 5, 2005

20 v.

21 [PROPOSED] ORDER GRANTING
22 DEFENDANTS PROVIDIAN
23 BANCORP SERVICES AND
24 PROVIDIAN FINANCIAL HEALTH
25 PLAN TO DISMISS AND, IN THE
26 ALTERNATIVE, TO COMPEL
27 ARBITRATION

28 LIBERTY LIFE ASSURANCE COMPANY,
et al.,

Defendants.

Date: January 30, 2006
Time: 10:00 a.m.
Place: Courtroom 12
Judge: Hon. Thelton E. Henderson

Trial Date: None Set

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

1 Defendants Providian Bancorp Services and Providian Financial Health Plan
2 (collectively “Defendants”) Motion to Dismiss under Federal Rule of Civil Procedure
3 12(b)(1) and 12(b)(6) and/or, in the alternative, Motion to Compel Arbitration pursuant to
4 the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.* and the California Arbitration Act, Cal.
5 Code Civ. Proc. §1281 *et. seq.* and Motion to Stay was heard by the Court on January 30,
6 2006.

7 Having considered the moving and opposing papers and the arguments of counsel, as
8 well as the pleadings, documents and records on file in this action, IT IS HEREBY
9 ORDERED, ADJUDGED AND DECREED THAT:

- 10
- 11 (1) Defendants’ Motion to Dismiss is GRANTED. Plaintiff’s First Amended
12 Complaint is dismissed as to Defendants; **or**
13 (2) Defendants’ Motion to Compel Arbitration is GRANTED. Plaintiff’s claims
14 against Defendants shall be resolved via binding arbitration. In addition, Defendants
15 Motion to Stay Pending Arbitration is GRANTED. All proceedings against
16 Defendants in this action shall be stayed pending resolution of arbitration.
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Honorable Thelton E. Henderson
United States District Court for the Northern
District of California